

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A.H. Lundberg Associates, Inc. and
Lundberg, LLC,

Plaintiffs,

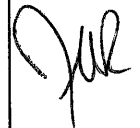
v.

TSI, Inc.,

Defendant.

Case No. 14-CV-01160-JLR

~~PROPOSED~~ STIPULATED ORDER
GRANTING INJUNCTIVE RELIEF



THIS MATTER came before the Court upon Plaintiff's Motion for Exemplary Damages, Attorney's Fees, and Injunctive Relief, filed October 13, 2016. (Dkt. #214) This Court ordered that the parties submit proposed language and supplemental briefing to assist the court in determining the temporal and substantive scope of a permanent injunction. (Dkt. 271 *SEALED*). After the parties filed a joint statement on injunctive relief (Dkt. #274), the parties continued to meet and confer and reached an agreement as to the following provisions regarding injunctive relief. The Court having reviewed the pleadings and papers on file, including the parties' stipulated proposed language:

It is now ORDERED that parties' stipulated order for injunctive relief is GRANTED as follows:

(1) Defendant and its agents, servants, employees, and attorneys (the "Restrained Parties"), are hereby RESTRAINED and ENJOINED as follows:

[PROPOSED] STIPULATED ORDER GRANTING
INJUNCTIVE RELIEF - 1

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1 (a) The Restrained Parties shall not disclose or use, include or incorporate Lundberg's
2 Wet Electrostatic Precipitator ("WESP") Trade Secrets for six months from the date of this Order
3 in the design or manufacture of a WESP. Lundberg's WESP "Trade Secrets" are defined as
4 follows:

5 (i) Lundberg's diameters and measurements of the spherical washer assembly
6 that differ from that developed at Geoenergy International, Inc. (hereinafter "GIC"), and which
7 enjoined diameters and measurements are shown in Trial Exhibit 430, page 1;

8 (ii) Lundberg's diameters, measurements, and thicknesses of the electrode
9 body that differ from that developed at GIC, and which enjoined measurements and thicknesses
10 are shown in Trial Exhibit 49, page 1;

11 (iii) Lundberg's spacing, gauges, diameters, and vertices of electrode discs that
12 differ from that developed at GIC, and which enjoined spacing, gauges, diameters are shown in
13 the Trial Exhibit 49, page 1 and 50, page 1;

14 (iv) Lundberg's surface finish of the spherical washers that differs from that
15 developed at GIC, and which enjoined surface finish is shown in Trial Exhibit 430, page 1;

16 (v) Lundberg's number, measurements, arrangement, and layout of tubes that
17 differ from that developed at GIC, and which enjoined number, measurements, arrangement and
18 layout of tubes are detailed in Trial Exhibit 344, pages 38 and 39, and as further identified in
19 Appendix A; ^(Dkt. # 276) 

20 (vi) Lundberg's execution and design of tube cooling as specifically
21 incorporated with the Lundberg WESP; and

22 (vii) any combination of these features.

23 (b) Nothing herein shall prevent or restrict TSI from purchasing for resale a WESP
24 or any component thereof from a third-party vendor, supplier or manufacturer regardless of its
25 design or engineering features or specifications, provided that any such design, engineering
26 feature or specification that constitutes a Lundberg WESP Trade Secret is not the result of a
27 disclosure of such Trade Secret by a Restrained Party to said vendor, supplier or manufacture.

[PROPOSED] STIPULATED ORDER GRANTING
INJUNCTIVE RELIEF - 2

1 (c) The Restrained Parties shall not directly, or indirectly, make, manufacture, offer
2 for sale, sell, or cause to be sold any product, the design or manufacture of which embodies or
3 was derived using Lundberg's Trade Secrets for six months from the date of this Order. This
4 restriction shall not prevent or restrict TSI from offering a system made by another WESP
5 manufacturer that manufactured and sold WESPs prior to the start of this lawsuit.

6 (d) The Restrained Parties are hereby DIRECTED to immediately destroy all
7 products and parts in their possession, custody, or control, the design or manufacture of which
8 embody or were derived using Lundberg's Trade Secrets.

9 (e) The Restrained Parties are hereby DIRECTED immediately to return to Plaintiff
10 or destroy all of the documents listed on Addendum 1, all of which are documents produced in
11 this case and all copies of those documents whether they have the same document control number
12 as the documents listed on Addendum 1, that are in the Restrained Parties' possession or control
13 to the extent that those documents contain information about Lundberg's air pollution control
14 systems. Notwithstanding the foregoing, adhering to the designations in the Stipulated Protective
15 Order, TSI's attorneys may retain those documents reasonably necessary to appeal the outcome
16 in this case as long as it takes to do so, after which time, those documents will be destroyed.

17 (f) The Restrained Parties shall have ninety (90) days to certify that they have
18 complied in full with parts (d) and (e) above.

19 DATED: March 28, 2017

20 LANE POWELL PC

21
22 By /s/Tiffany Scott Connors
23 Randall P. Beighle, WSBA No. 13421
24 Brian Bodine, WSBA No. 22414
25 Tiffany Scott Connors, WSBA No. 41740
26 Attorneys for Plaintiffs Lundberg
27

[PROPOSED] STIPULATED ORDER GRANTING
INJUNCTIVE RELIEF - 3

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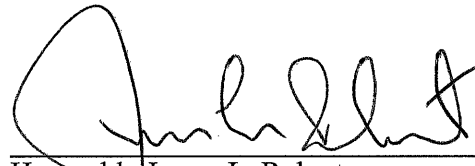
CARNEY BADLEY SPELLMAN, P.S.

By /s/Emilia L. Sweeney
Kenneth W. Hart, WSBA No. 15511
Emilia L. Sweeney, WSBA No. 23371
Attorneys for TSI, Inc.

ORDER

IT IS SO ORDERED.

DATED: 29 March 2017



Honorable James L. Robart

[PROPOSED] STIPULATED ORDER GRANTING
INJUNCTIVE RELIEF - 4

251608.0049/6912654.1

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